

**Notice of Allowability**

Application No.

09/921,216

Examiner

Nguyen Ngo

Applicant(s)

HUBER, SIEGFRIED

Art Unit

2663

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed on 08/02/2001.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Peter Zura on November 15, 2005.

The application has been amended as follows:

2. -Claim 1, line 9, the phrase

"channel address area  $(ZKB + i) + j * K \mid 0 \leq i \leq YKB - 1, 0 \leq j \leq N/K - 1$ "

has been changed to

--channel address area  $\{(ZKB + i) + j * K \mid 0 \leq i \leq YKB - 1, 0 \leq j \leq N/K - 1\}$  --.

3. -Claim 5, line 12, the phrase

"channel address area  $(ZKB + i) + j * K \mid 0 \leq i \leq YKB - 1, 0 \leq j \leq N/K - 1$ "

has been changed to

--channel address area  $\{(ZKB + i) + j * K \mid 0 \leq i \leq YKB - 1, 0 \leq j \leq N/K - 1\}$  --.

***Allowable Subject Matter***

Art Unit: 2663

4. Claims 1-8 are allowed.

The following is an examiner's statement for reason for allowance:

5. Claim 1 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose having the channel addresses of the channels which are combined to form a specific channel set be contained in a channel address area  $\{(ZKB + i) + j * K \mid 0 \leq i \leq YKB - 1, 0 \leq j \leq N/K - 1\}$  where  $ZKB, 0 \leq Z \leq K - YKB$ , is the channel address of the channel having a lowest channel address permissible for the specific channel set. It is noted that the closest prior art, Lindbergh et al (US 6,240,140) discloses a system and method for communicating a single stream of data using an arbitrary and time-varying bit-rates. Of having a channel set consist of all the communication channels, which are currently being used by the transmitter, wherein each channel in the channel set is assigned a "channel tag", a unique numerical identifier in the range 0 to M-1, where M is the number of channels in the channel set. However, Lindbergh fails to disclose or render obvious the above underlined limitations as claimed.

6. Claim 1 is allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose having the channel addresses of the channels which are combined to form a specific channel set be contained in a channel address area  $\{(ZKB + i) + j * K \mid 0 \leq i \leq YKB - 1, 0 \leq j \leq N/K - 1\}$  where  $ZKB, 0 \leq Z \leq K - YKB$ , is the channel address of the channel having a

**lowest channel address permissible for the specific channel set**. It is noted that the closest prior art, Lindbergh et al (US 6,240,140) discloses a sending and receiving device for communicating a single stream of data using an arbitrary and time-varying bit-rates. Of having a channel set consist of all the communication channels, which are currently being used by the transmitter, wherein each channel in the channel set is assigned a "channel tag", a unique numerical identifier in the range 0 to M-1, where M is the number of channels in the channel set. However, Lindbergh fails to disclose or render obvious the above underlined limitations as claimed.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Merrill et al. (US 2003/0198215), Router For Use With A Link That Has A Set of Concurrent Channels.

b) Odawara et al. (US 5584041), Channel Apparatus Having A Plurality Of Channels Capable Of Being Operated Either In Parallel Mode or In Separate Mode.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Ngo whose telephone number is (571) 272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

Art Unit: 2663

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

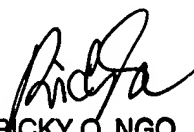
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N.N

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**RICKY Q. NGO**  
SUPERVISORY PATENT EXAMINER